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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,783	06/01/2000	Yoshimi Tomita	041514-5081	4863

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EXAMINER	
LE, KIMLIEN T	

ART UNIT	PAPER NUMBER
2653	9

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/584,783	TOMITA, YOSHIMI	
	Examiner	Art Unit	
	Kimlien T Le	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) *12 and 13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5,6* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Applicant's election without traverse of Group I, which includes claims 1-11 in Paper No. 7 is acknowledged.

2. Claims 12-13 are withdrawn from further consideration. Election was made **without** traverse in Paper No.7.

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Patent 6,097,695).

Regarding claim 1, Ogata et al. shows an optical disc recording method comprising the step of having a groove of an optical disc wobble in accordance with a phase modulation signal obtained through phase modulation (Fig. 1; 7C. See also column 5, lines 15-25) of serial data including address information to pre-format the optical disc, the method further comprising the steps of generating the phase modulation signal with abrupt changes in the waveform thereof at

phase transition points being removed in accordance with the serial data, and making the groove wobble (Fig. 17) in accordance with the phase modulation signal (Fig. 17. See also column 18, lines 30-40, Abstract).

Regarding claim 2, Kobayashi shows an optical disc recording method according to claim 1, wherein output level of the phase modulation signal is held substantially constant for a predetermined period of time including the phase transition point at the center thereof (Fig. 17 See also column 5, lines 33-40).

Regarding claim 3, Kobayashi shows an optical disc recording method according to claim 1, wherein data of a plurality of basic waveforms constituting the phase modulation signal is stored in a memory (Fig. 11; 54), data of one of the plurality of basic waveforms corresponding to the serial data is read from the memory, and the data of the basic waveform having been read is converted to analog data (Fig. 11; SOUT), thereby generating the phase modulation signal (Figs. 11 and 17. See also column 12, lines 20-40).

Regarding claim 4, Kobayashi shows an optical disc recording apparatus for pre-formatting an optical disc by having a groove of the optical disc wobble in accordance with serial data including address information, comprising: a phase modulation circuit (Fig. 1; 7C. See also column 5, lines 15-25) for generating phase modulation signal with abrupt changes in the waveform thereof at phase transition points being removed in accordance with the serial data; and groove wobbling means (Fig. 1; 7E. See also column 5, lines 45-55) for making the groove wobble in accordance with the phase modulation signal (Figs. 1,3, and 17. See also column 5, lines 10-30).

Regarding claim 5, Kobayashi shows an optical disc recording apparatus according to claim 4, wherein the phase modulation circuit holds output level of the phase modulation signal substantially constant for a predetermined period of time including the phase transition point at the center thereof (Figs. 1,3, and 17. See also column 5, lines 33-40).

Regarding claim 6, Kobayashi shows an optical disc recording apparatus according to claim 4, wherein the phase modulation circuit comprises a memory (Fig. 11; 54) for storing data of a plurality of basic waveforms constituting the phase modulation signal, a memory control circuit for reading data of one of the plurality of basic waveforms in accordance with the serial data, and a D/A converter circuit (Fig. 11; 52) for converting the basic waveform data read from the memory to analog data (Figs. 11 and 17. See also column 12, lines 20-40).

Regarding claim 7, Kobayashi shows an optical disc being pre-formatted with serial data by means of wobbling groove, the serial data including address information, wherein the groove is made wobble in accordance with phase modulation signal of the serial data of which abrupt changes in the waveform thereof at phase transition points are removed (Fig. 17. See also column 17, lines 30-40, Abstract).

Regarding claim 8, Kobayashi shows an optical disc according to claim 7, wherein output level of the phase modulation signal is held substantially constant for a predetermined period of time including the phase transition point at the center thereof (Fig. 17. See also column 5, lines 34-38).

Regarding claim 9, Kobayashi shows an optical disc recording method comprising the step of having a wall surface on one side of a groove of an optical disc wobble in accordance with serial data including address information to pre-format the optical disc, wherein: the serial

data includes a synchronization signal having a predetermined pattern (Fig. 3. See also column 3, lines 55-65) for detecting a land and the groove, while the serial data including the synchronization signal is modulated into a phase modulation signal with abrupt changes in the waveform thereof at phase transition points being removed, and the wall surface on one side of the groove is made wobble in accordance with the phase modulation sign (Fig. 17. See also column 18, lines 30-40; column 5, lines 15-25; Abstract).

Regarding claim 10, Kobayashi shows an optical disc recording apparatus for pre-formatting an optical disc by having a wall surface on one side of a groove of the optical disc wobble in accordance with serial data including address information, the apparatus comprising: a synthesizer circuit (Fig. 1; 6) for synthesizing a synchronization signal having a predetermined pattern for discriminating a land and the groove, with the serial data; a phase modulation circuit (Fig. 1;7C) for modulating output of the synthesizer circuit into a phase modulation signal with abrupt changes in the waveform thereof at phase transition points being removed; and groove wobbling means(Fig. 1;7E) for making the wall surface on one side of the groove wobble in accordance with the phase modulation signal (Figs. 1 and 17. See also column 18, lines 30-40; column 3, lines 55-65).

Regarding claim 11, Kobayashi shows an optical disc whereon a wall surface on one side of a groove wobbles in accordance with serial data including address information, wherein: the serial data includes a synchronization signal (Fig. 3. See also column 3, lines 55-65) having a predetermined pattern for discriminating a land and the groove; and the groove is made wobble in accordance with phase modulation signal of the serial data including the synchronization

signal of which abrupt changes in the waveform thereof at phase transition points are removed (Figs. 18 and 17. See also column 18, lines 30-40; column 5, lines 15-25; Abstract).

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le
October 7, 2003

TAN DINH
PRIMARY EXAMINER